

Appl. No. 09/626,366
Docket No.: D4857-00006
RCE Preliminary Amendment

REMARKS/ARGUMENTS

As a result of this Preliminary Amendment, claims 1-11, 13, and 15-19 are under active consideration in the subject patent application. A Request for Continuing Examination (RCE) application has been filed in conjunction with this response to the Final Official Action mailed on April 6, 2004. The Director is hereby authorized to charge the RCE fee required under 37 CFR 1.17(e), namely \$385.00 and the fee for three (3) independent claims in excess of three (3) independent claims, namely \$129.00, to Deposit Account No. 04-1679. In the Final Official Action, the Examiner has:

(1) rejected claims 1 - 17 under 35 U.S.C. § 103(a) in view of a combination of U.S. Patent No. 6,370,511, issued to Dang (the "Dang reference"), U.S. Patent No. 6,277,071, issued to Hennessy et al. (the "Hennessy reference"), and U.S. Patent No. 6,077,082, issued to Gibson et al. (the "Gibson reference"); and

(2) acknowledged Applicant's arguments on 01/22/2004.

An Examiner interview was held on June 30, 2004, during which Examiner Vanel Frenel and SPE Joseph Thomas reviewed with Applicant's Attorney their perception of the scope of Applicant's claims and the Dang, Hennessy, and Gibson references. Suggestions were made by Examiner Thomas that one point of novelty relative to Applicant's invention is the provision of immediate feedback to the clinician of deviations from standard clinical pathways, at the time of performance of the clinical actions. It was agreed that the foregoing distinction

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separated the Dang, Hennessy, and Gibson references from Applicant's invention. It was also pointed out to the Examiner's that each of the Hennessy and Dang references were retrospective in their methodology whereas Applicant's invention contemplates notifying the clinician at the time of performance of the clinical actions. Examiner Thomas strongly suggested that this aspect of Applicant's invention be further emphasized in the claims. Also, further definition of the limitation "clinical actions" was suggested in order to differentiate the methodology being claimed from the prior methods discussed in Applicant's Background of the Invention section, and from the simulations taught in the Gibson reference. It was suggested that the present amendments be made to the claims to further emphasize these clear differences between the prior art and Applicant's invention. Applicant's attorney is greatly appreciative of the courteous and professional manner in which both Examiners Vanel and Thomas conducted the interview, and their helpful comments and suggestions.

In accordance with those suggestions, Applicant has amended claims 1, 9, 15, and 17 so as to place the claims in better form for allowance. In particular, the subject matter of dependent claims 12 and 14 have been added to each of the foregoing independent claims. Dependent claims 12 and 14 have been cancelled. Examiners Vanel and Thomas agreed that this subject matter is not taught or suggested by any of the references relied upon in the Final Official Action. Applicant has also amended the claims to make it more clear that upon implementation of the identified clinical pathway one or more clinical actions are

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taken by a clinician and are recorded as a data record in a data storage means. Significantly, it has been clarified that the one or more clinical actions include implementing a skin and wound care regimen at the time of diagnosis of a malady, where the skin and wound care regimen comprises selection and application of dressings to a wound. In addition, the present methods call for monitoring and comparing the recorded clinical actions taken by the clinician, at the time of performance of the clinical actions. New claims 18 and 19 have been added to further define aspects of Applicant's invention that are not taught or suggested by the prior art of record in the case. Claim 13 has been amended to be dependent from now independent, and allowable, claim 9.

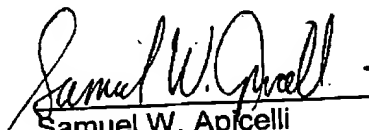
Applicant respectfully requests that amended claims 1, 9, 13, 15, and 17 be entered into the application, along with new claims 18 and 19, which all present allowable subject matter. Applicant respectfully requests entry of this Preliminary Amendment, and the issuance of a Notice of Allowance be issued in this case.

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If a telephone conference would be of assistance in advancing prosecution of the above-identified application, Applicant's undersigned Attorney invites the Examiner to telephone him at 717-237-5516.

Respectfully Submitted,

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